

Message Text

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ORIGIN DLOS-04

INFO OCT-01 ARA-06 EUR-12 EA-07 ISO-00 SSO-00 NSCE-00

USIE-00 INRE-00 ACDA-05 AGR-05 AID-05 CEA-01 CEQ-01

CG-00 CIAE-00 CIEP-01 OFA-01 COME-00 DODE-00 DOTE-00

EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00 H-02 INR-07

INT-05 IO-10 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01

OES-03 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 FEA-01

AF-06 NEA-10 /140 R

DRAFTED BY D/LOS:RHHULL:MZ

APPROVED BY D/LOS - JOHN NORTON MOORE

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OES/OFA - MR. HALLMAN

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FM SECSTATE WASHDC

TO AMEMBASSY QUITO IMMEDIATE

AMEMBASSY SANTIAGO IMMEDIATE

AMEMBASSY LIMA IMMEDIATE

AMEMBASSY PARIS IMMEDIATE

AMEMBASSY TOKYO IMMEDIATE

C O N F I D E N T I A L STATE 258559

E.O. 11652: GDS

TAGS: PLOS

SUBJECT:LOS: NEW YORK TUNA MEETING

REF: STATE 254183

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POSTS SHOULD BE ADVISED THAT US HAS SUBMITTED FOR DIS-

TRIBUTION BY AMBASSADOR GALINDO-POHL TO PARTICIPANTS IN
NEW YORK TUNA MEETING TWO VERSIONS OF ARTICLE 53. THE
TWO VERSIONS ARE AS FOLLOWS:

ARTICLE 53 - ALTERNATIVE A

(1) THE COASTAL STATE, WHILE EXERCISING THE RIGHTS
RECOGNIZED IN THIS CONVENTION, WILL REGULATE, WITHIN ITS
EXCLUSIVE ECONOMIC ZONE, FISHING FOR THOSE HIGHLY MIGRA-
TORY SPECIES WHICH ARE LISTED IN THE ANNEX, AS PROVIDED
IN THIS ARTICLE.

(2) THE COASTAL STATE AND THE OTHER STATES WHOSE NATIONALS
FISH FOR HIGHLY MIGRATORY SPECIES IN A REGION SHALL ES-
TABLISH AN APPROPRIATE INTERNATIONAL ORGANIZATION, TO EN-
SURE THE CONSERVATION AND OPTIMUM UTILIZATION OF SUCH
SPECIES THROUGHOUT THE REGION, BOTH WITHIN AND BEYOND 200
MILES. IN THOSE REGIONS WHERE THERE IS NO ADEQUATE

INTERNATIONAL ORGANIZATION, THE COASTAL STATES AND THE
OTHER STATES WHOSE NATIONALS FISH FOR THOSE SPECIES

IN THE REGION SHALL ESTABLISH SUCH AN ORGANIZATION AND
PARTICIPATE IN ITS WORK.

(3) ON THE BASIS OF THE BEST AVAILABLE SCIENTIFIC AND
OTHER PERTINENT INFORMATION, THE MEMBER STATES SHALL,
THROUGH THE ORGANIZATION, AGREE ON RULES AND REGULATIONS
TO ENSURE CONSERVATION AND OPTIMUM UTILIZATION OF THOSE
HIGHLY MIGRATORY SPECIES THROUGHOUT THE REGION, INCLUD-
ING A DETERMINATION OF THE TOTAL ALLOWABLE CATCH, ALLO-
CATIONS, AND A UNIFORM SYSTEM APPLICABLE THROUGHOUT THE
REGION OF LICENSES AND MATRICULA FOR FISHING VESSELS,
APPROPRIATE FEES FOR FISH CAUGHT, AND A UNIFORM SYSTEM OF
FINES AND PENALTIES FOR VIOLATIONS. THE ORGANIZATION
MAY TAKE WHATEVER OTHER ACTIONS IT DEEMS APPROPRIATE TO
ENSURE CONSERVATION AND OPTIMUM UTILIZATION OF HIGHLY
MIGRATORY SPECIES.

(4)(A) IN DRAWING UP SUCH RULES AND REGULATIONS, THE
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ORGANIZATION SHALL TAKE INTO ACCOUNT ALL PERTINENT FACTORS
AND CIRCUMSTANCES, INCLUDING, AMONG OTHER THINGS, AN
ESTIMATE OF THE FISH POPULATIONS, THEIR MIGRATORY RANGE
AND THE EXTENT OF THEIR EXPLOITATION AND THE EFFECTS OF
THEIR CAPTURE ON ASSOCIATED OR DEPENDENT SPECIES WITH A
VIEW TO MAINTAINING OR RESTORING POPULATIONS OF SUCH
ASSOCIATED OR DEPENDENT SPECIES ABOVE LEVELS AT WHICH
THEIR REPRODUCTION MAY BECOME THREATENED.

(B) RULES AND REGULATIONS SHALL ENSURE THAT THE SPECIES ARE NOT ENDANGERED BY OVER-EXPLOITATION AND SHALL BE DESIGNED TO MAINTAIN OR RESTORE POPULATIONS OF HARVESTED SPECIES AT LEVELS WHICH CAN PRODUCE MAXIMUM SUSTAINABLE YIELD, AS QUALIFIED BY RELEVANT ENVIRONMENTAL ECONOMIC FACTORS.

(5) ALLOCATIONS ESTABLISHED BY THE ORGANIZATION SHALL PROVIDE AN APPROPRIATE PREFERENCE FOR COASTAL STATES OF THE REGION AND, SUBJECT TO SUCH PREFERENCE, SHALL RESPECT NORMAL CATCH AND EXISTING FISHING PATTERNS FOR HIGHLY MIGRATORY SPECIES, AND SHALL GIVE CONSIDERATION TO THE NEEDS AND POSSIBILITIES FOR DEVELOPMENT OF THE CAPACITY FOR SUCH FISHING BY THE LESS WELL-DEVELOPED COASTAL STATES OR MIXED ECONOMY COMPANIES OF STATES IN THE REGION.

(6) THE MEMBER STATES OF THE ORGANIZATION SHALL ENSURE THAT THEIR LEGISLATION IS IN AGREEMENT WITH THE RULES

AND REGULATIONS DRAWN UP BY THE ORGANIZATION.

(7) IN CONFORMITY WITH ARTICLE 60, THE COASTAL STATE SHALL ADOPT ALL NECESSARY MEASURES AND SHALL COOPERATE WITH OTHER STATES OF THE ORGANIZATION FOR THE PURPOSE OF ENSURING, WITHIN ITS EXCLUSIVE ECONOMIC ZONE, THAT ALL VESSELS COMPLY WITH THE AGREED RULES AND REGULATIONS. THE MEMBER STATES OF THE ORGANIZATION WILL AGREE ON EFFECTIVE MEASURES FOR THE ENFORCEMENT, WITH RESPECT TO MEMBERS, OF THE AGREED RULES AND REGULATIONS BEYOND THE EXCLUSIVE ECONOMIC ZONE.

(8) NOTHING IN THIS CONVENTION SHALL RESTRICT THE RIGHT
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OF A COASTAL STATE TO PROHIBIT OR LIMIT THE EXPLOITATION OF MARINE MAMMALS WITHIN ITS EXCLUSIVE ECONOMIC ZONE. STATES SHALL COOPERATE, EITHER DIRECTLY OR THROUGH APPROPRIATE INTERNATIONAL ORGANIZATIONS, WITH A VIEW TO THE PROTECTION AND MANAGEMENT OF MARINE MAMMALS.

ARTICLE 53 - ALTERNATIVE B

(L) THE PROVISIONS OF THIS ARTICLE SHALL APPLY TO THE REGULATION WITHIN AND BEYOND THE EXCLUSIVE ECONOMIC ZONE OF FISHING FOR THE HIGHLY MIGRATORY SPECIES LISTED IN THE ANNEX.

(2) THE COASTAL STATE AND OTHER STATES WHOSE NATIONALS FISH HIGHLY MIGRATORY SPECIES IN A REGION SHALL ESTABLISH

AN APPROPRIATE INTERNATIONAL ORGANIZATION TO ENSURE CONSERVATION AND OPTIMUM UTILIZATION OF SUCH SPECIES THROUGHOUT THE REGION, BOTH WITHIN AND BEYOND THE EXCLUSIVE ECONOMIC ZONE. IN REGIONS WHERE NO APPROPRIATE INTERNATIONAL ORGANIZATION EXISTS, THE COASTAL STATE AND OTHER STATES WHOSE NATIONALS HARVEST THESE SPECIES IN THE REGION SHALL ESTABLISH SUCH AN ORGANIZATION AND PARTICIPATE IN ITS WORK.

(3) NOTHING IN THE PRESENT CONVENTION SHALL RESTRICT THE RIGHT OF A COASTAL STATE TO PROHIBIT OR LIMIT THE EXPLOITATION OF MARINE MAMMALS WITHIN ITS EXCLUSIVE ECONOMIC ZONE. STATES SHALL COOPERATE EITHER DIRECTLY OR THROUGH APPROPRIATE INTERNATIONAL ORGANIZATIONS WITH A VIEW TO THE PROTECTION AND MANAGEMENT OF MARINE MAMMALS.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENT DRAFT, TUNA, DOCUMENTS, TEXT, FISHERIES MEETINGS, NEW YORK
Control Number: n/a
Copy: SINGLE
Draft Date: 31 OCT 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CunninFX
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE258559
Document Source: CORE
Document Unique ID: 00
Drafter: RHHULL:MZ
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750379-0048
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t1975104/aaaaadpd.tel
Line Count: 185
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 STATE 254183
Review Action: RELEASED, APPROVED
Review Authority: CunninFX
Review Comment: n/a
Review Content Flags:
Review Date: 28 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <28 MAY 2003 by ShawDG>; APPROVED <09 OCT 2003 by CunninFX>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: OS: NEW YORK TUNA MEETING
TAGS: PLOS, US, EC
To: QUITO MULTIPLE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006